IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1429 OF 2006

Shri Diwakar Savalram Sutar .. Applicant.
Vs.
Smt.Dakshata Diwakar Sutar & Anr. .. Respondents.

Mr.C.K.Pendse i/b S.D.Sawant for the applicant.
Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.
DATED : 26TH JULY, 2006

P.C.:

. Heard learned counsl for the applicant and learned A.P.P. for the State.

2. By this application, the applicant-husband has prayed for quashing of the FIR dated 30.4.2004 and the complaint bearing No.308/PW/2004 pending before the learned Metropolitan Magistrate's Railway Mobile Court, Andheri. The said complaint was filed by the respondent-wife under section 498-A of I.P.C. It appears that the parties have taken divorce by mutual consent. The consent terms are annexed to the application at Exhibit-B. The parties are present in the Court. The respondent-wife states that she has received the amount and articles as agreed and recorded in the consent terms. In addition, thereto she has filed an affidavit stating that she does not wish to prosecute the complaint and seeks permission to withdraw the same. The Supreme Court in the case

of **B.S.Joshi and Anr. Vs. State of Haryana and Anr. 2003(4) SCC 675** in similar situation in paragraph 14 and 15 of the judgment held thus:

> "14. There is no doubt that the object of introducing Chapter XX-A containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code."
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> 15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and section 320 of the Code does not limit or affect the powers under section 482 of the Code."

4. Keeping these observations in view and considering that the parties have amicably sorted out all the differences and settled the dispute I find no reason and ground to reject the prayer made by the applicant and respondent no.1. In the circumstances the FIR dated 30.4.2004 and also the complaint bearing No.308/PW/2004 pending before the learned Metropolitan Magistrate’s Railway Mobile Court, Andheri are quashed.

5. The application is, accordingly, disposed of.

(D.B.Bhosale, J.)